

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Gerald E. Bennington et al.
Application No. : 09/997,659 Confirmation No. : 5782
Filed : November 29, 2001
For : ELECTRONIC TELEVISION PROGRAM GUIDE
SCHEDULE AND METHOD
Group Art Unit : 2614
Examiner : Michael Lee

RECEIVED
SEP 16 2002
OFFICE OF PETITIONS
New York, New York 10020
September 13, 2002

Attention: Office of Petitions
Box 313(b)
Hon. Commissioner for Patents
Washington, D.C. 20231

PETITION FOR WITHDRAWAL FROM ISSUE
UNDER 37 C.F.R. § 1.313

Sir:

Pursuant to 37 C.F.R. § 1.313, applicants hereby
petition that U.S. patent Application No. 09/997,659 ("the '659
application") be withdrawn from issue.

37 C.F.R. § 1.313(a) requires in part that "a showing
of good and sufficient reasons why withdrawal of the

application from issue is necessary." Withdrawal of the application is necessary because the subject matter of a U.S. patent considered by the PTO during the prosecution of the '659 application was alleged to have been conceived and reduced to practice prior to the filing date of the '659 application. This information is set forth in the Supplemental Information Disclosure Statement submitted herewith.

Further, 37 C.F.R. § 1.313 requires in part that:

" (c) Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

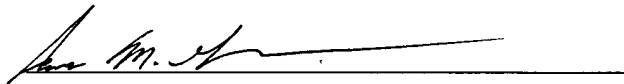
* * *

(2) Consideration of a request for continued examination in compliance with § 1.114;"

Applicants paid the issue fee on August 2, 2002. Applicants request that the '659 application be withdrawn from issue to permit consideration of a Request for Continued Examination under 37 C.F.R. § 1.114 that is being filed together with the filing of this petition.

The Request for Continued Examination is being filed with a Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97. Thus, applicants have satisfied the requirements of 37 C.F.R. § 1.313. A check in the amount of \$130.00, in payment of the fee set forth in 37 C.F.R. § 1.17(h) is enclosed herewith. The Director is hereby authorized to charge payment of any additional fees required in connection with this petition, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this petition is enclosed herewith.

Respectfully submitted,



James M. Glass
Attorney for Applicants

Reg. No. 46,729
Agent for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090